

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHIRLEY A. JAMISON,	:	CIVIL ACTION NO. 1:07-CV-0324
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
CAMPBELL CHAIN COOPER TOOLS,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 30th day of December, 2008, upon consideration of defendant's motion to strike (Doc. 48) plaintiff's responsive statement of material facts (Doc. 44) on the ground that plaintiff's fact statement fails to comply with Local Rule 56.1, and it appearing that the motion further requests that the averments in defendant's concise statement of material facts (Doc. 35) be deemed admitted, and the court concluding that a party opposing a motion for summary judgment must "include a separate, short and concise [responsive] statement of the material facts, responding to the numbered paragraphs set forth in" the movant's fact statement, see id., and that plaintiff's responsive fact statement (Doc. 44), which contains thirty-two paragraphs,¹ fails to correspond to the sixty-two paragraph

¹The averments of plaintiffs' responsive fact statements are entirely independent of those in defendant's filing, and the numbered paragraphs of plaintiff's submissions do not correlate in any meaningful way to their sister paragraphs in defendant's statement. In short, plaintiff's document does not comply with Local Rule 56.1's requirement of parity between the two filings.

concise statement of material facts filed by defendant,² (see Doc. 35), it is hereby ORDERED that:

1. The motion (Doc. 48) is CONSTRUED as a motion to strike plaintiff's original and amended responsive fact statements (Docs. 44, 51) and is GRANTED in part and DENIED in part as so construed as follows:
 - a. The motion is GRANTED to the extent that it seeks to strike plaintiff's original and amended responsive fact statements.
 - b. The motion is DENIED to the extent that it requests that the averments in defendant's concise statement of material facts (Doc. 35) be deemed admitted.
2. Plaintiff's original and amended responsive statements of material facts (Docs. 44, 51) are STRICKEN.
3. On or before January 13, 2009, plaintiff shall file a responsive statement of material facts that corresponds to defendants' concise statement of material facts and otherwise complies with Rule 56.1 of the Local Rules of Court. Failure to file a responsive fact statement may result in the averments set forth in defendants' statement (Doc. 35) being deemed admitted. See L.R. 56.1.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

²Defendant's motion also seeks to strike plaintiff's responsive statement of material facts (Doc. 44) on the ground that it fails to cite applicable portions of the record. See L.R. 56.1 (requiring all fact statements to "include references to the parts of the record that support the" averments contained therein). After defendants filed the motion, plaintiff submitted an amended thirty-two paragraph responsive fact statement (Doc. 51) that supplied record citations but, like the original, failed to respond to the allegations contained in defendant's filing. The court will therefore construe the motion as a request to strike both the original and amended responsive statements of material facts.